IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.506 OF 2005
IN
NOTICE OF MOTION NO.1547 OF 2004
IN
SUMMARY SUIT NO.190 OF 2001

Jayantilal Maganlal Brahmbhatt ..Appellant

Versus

Upendra Laji Gada & Anr. ..Respondents

Mr.Jayesh Bhatt for the appellant.

Coram : R.M.LODHA &
J.P.DEVADHAR,JJ

Date : 4th July, 2005.

PC

. Heard.

2. The learned motion Judge dismissed the Notice of Motion taken out by the present appellant for prosecuting the present respondents under Sections 191, 192, 193, 196 and 209 read with Section 34 of the Indian Penal Code. The learned single Judge was of the view that considering the provisions of Section 340 of Cr.P.C. this was not a fit case to launch the prosecution against the defendants. Appeal against the impugned order is not maintainable. Even if we assume that appeal is

maintainable, we hardly find any justifiable ground to interfere with the order of the motion Judge.

2. Dismissed in limine.

(R.M.LODHA,J)

(J.P.DEVADHAR,J)